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1 organization do you favor to act as representative of the employees?" The 3rd
2 question may not include a choice for no representative. All employees in the
3 collective bargaining unit may vote on all questions. Unless a majority of those
4 employees voting in the election vote to participate in collective bargaining, no votes
5 for combination or for a particular representative may be counted. If a majority of
6 those employees voting in the election vote to participate in collective bargaining, the
7 ballots for combination shall be counted. If the ballots for combination are counted
8 and a majority of those employees voting from each collective bargaining unit listed
9 in the 2nd question on the ballot vote to combine, then the ballots for representatives
10 of the combined collective bargaining unit shall be counted. If the ballots for
11 combination are counted and a majority of those employees voting from each
12 collective bargaining unit listed in the 2nd question on the ballot do not vote to
13 combine, then the ballots for representatives of each current collective bargaining
14 unit shall be counted.

15 (c) The commission's certification of the results of any election is conclusive
16 unless reviewed under s. 111.07 (8).

17 (3) Whenever an election has been conducted under sub. (2) in which the ballots
18 for representatives have been counted but in which no named representative is
19 favored by a majority of the employees voting, the commission may, if requested by
20 a party to the proceeding within 30 days from the date of the certification of the
21 results of the election, conduct a runoff election. In that runoff election, the
22 commission shall drop from the ballot the name of the representative who received
23 the least number of votes at the original election.

24 (4) While a collective bargaining agreement between a labor organization and
25 an employer is in force under this subchapter, a petition for an election in the

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1 collective bargaining unit to which the agreement applies may be filed only during
2 October in the calendar year prior to the expiration of that agreement. An election
3 held under that petition may be held only if the petition is supported by proof that
4 at least 30 percent of the employees in the collective bargaining unit desire a change
5 or discontinuance of existing representation. Within 60 days of the time that an
6 original petition is filed, another petition may be filed supported by proof that at least
7 10 percent of the employees in the same collective bargaining unit desire a different
8 representative. If a majority of the employees in the collective bargaining unit vote
9 for a change or discontinuance of representation by any named representative, the
10 decision takes effect upon expiration of any existing collective bargaining agreement
11 between the employer and the existing representative.

12 **111.991 Unfair labor practices.** (1) It is an unfair labor practice for an
13 employer individually or in concert with others to do any of the following:

14 (a) Interfere with, restrain, or coerce employees in the exercise of their rights
15 guaranteed under s. 111.97.

16 (b) Except as otherwise provided in this paragraph, initiate, create, dominate,
17 or interfere with the formation or administration of any labor or employee
18 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)
19 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
20 System under ch. 40 and no action by the employer that is authorized by such a law
21 is a violation of this paragraph unless an applicable collective bargaining agreement
22 specifically prohibits the change or action. No such change or action affects the
23 continuing duty to bargain collectively regarding the Wisconsin Retirement System
24 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice
25 for the employer to reimburse an employee at his or her prevailing wage rate for the

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1 time spent during the employee's regularly scheduled hours conferring with the
2 employer's officers or agents and for attendance at commission or court hearings
3 necessary for the administration of this subchapter.

4 (c) Encourage or discourage membership in any labor organization by
5 discrimination in regard to hiring, tenure, or other terms or conditions of
6 employment. This paragraph does not apply to fair-share or maintenance of
7 membership agreements.

8 (d) Refuse to bargain collectively on matters set forth in s. 111.998 with a
9 representative of a majority of its employees in an appropriate collective bargaining
10 unit. Whenever the employer has a good faith doubt as to whether a labor
11 organization claiming the support of a majority of its employees in an appropriate
12 collective bargaining unit does in fact have that support, it may file with the
13 commission a petition requesting an election as to that claim. The employer is not
14 considered to have refused to bargain until an election has been held and the results
15 of the election are certified to the employer by the commission. A violation of this
16 paragraph includes the refusal to execute a collective bargaining agreement
17 previously orally agreed upon.

18 (e) Violate any collective bargaining agreement previously agreed upon by the
19 parties with respect to wages, hours, and conditions of employment affecting the
20 employees, including an agreement to arbitrate or to accept the terms of an
21 arbitration award, when previously the parties have agreed to accept such award as
22 final and binding upon them.

23 (f) Deduct labor organization dues from an employee's earnings, unless the
24 employer has been presented with an individual order therefor, signed by the
25 employee personally, and terminable by at least the end of any year of its life or

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1 earlier by the employee giving at least 30 but not more than 120 days' written notice
2 of such termination to the employer and to the representative labor organization,
3 except if there is a fair-share or maintenance of membership agreement in effect.
4 The employer shall give notice to the labor organization of receipt of such notice of
5 termination.

6 (g) Use any moneys received for any purpose to discourage; to train any
7 supervisor, management employee, or other employee to discourage; or to contract
8 with any person for the purposes of discouraging employees in the exercise of their
9 rights guaranteed under s. 111.97.

10 (1m) Notwithstanding sub. (1), it is not an unfair labor practice for the board
11 to implement changes in salaries or conditions of employment for members of the
12 faculty or academic staff at one institution, and not for other members of the faculty
13 or academic staff at another institution, but this may be done only if the differential
14 treatment is based on comparisons with the compensation and working conditions
15 of employees performing similar services for comparable higher education
16 institutions or based upon other competitive factors.

17 (2) It is unfair practice for an employee individually or in concert with others
18 to do any of the following:

19 (a) Coerce or intimidate an employee in the enjoyment of the employee's legal
20 rights, including those guaranteed under s. 111.97.

21 (b) Coerce, intimidate, or induce any officer or agent of the employer to interfere
22 with any of the employer's employees in the enjoyment of their legal rights including
23 those guaranteed under s. 111.97 or engage in any practice with regard to its
24 employees which would constitute an unfair labor practice if undertaken by the
25 officer or agent on the officer's or agent's own initiative.

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1 (c) Refuse to bargain collectively on matters specified in s. 111.998 with the
2 authorized officer or agent of the employer that is the recognized or certified
3 exclusive collective bargaining representative of employees in an appropriate
4 collective bargaining unit. Such refusal to bargain shall include a refusal to execute
5 a collective bargaining agreement previously orally agreed upon.

6 (d) Violate the provisions of any written agreement with respect to terms and
7 conditions of employment affecting employees, including an agreement to arbitrate
8 or to accept the terms of an arbitration award, when previously the parties have
9 agreed to accept such awards as final and binding upon them.

10 (e) Engage in, induce, or encourage any employees to engage in a strike or a
11 concerted refusal to work or perform their usual duties as employees.

12 (f) Coerce or intimidate a supervisory employee, officer, or agent of the
13 employer, working at the same trade or profession as the employer's employees, to
14 induce the person to become a member of or act in concert with the labor organization
15 of which the employee is a member.

16 **(3)** It is an unfair labor practice for any person to do or cause to be done on
17 behalf of or in the interest of employers or employees, or in connection with or to
18 influence the outcome of any controversy as to employment relations, any act
19 prohibited by subs. (1) and (2).

20 **(3m)** This section does not interfere with a faculty member's right of academic
21 freedom.

22 **(4)** Any controversy concerning unfair labor practices may be submitted to the
23 commission as provided in s. 111.07, except that the commission shall schedule a
24 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after
25 filing of a complaint, and notice shall be given to each party interested by service on

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1 the party personally, or by telegram, advising the party of the nature of the complaint
2 and of the date, time, and place of hearing. The commission may appoint a substitute
3 tribunal to hear unfair labor practice charges by either appointing a 3-member panel
4 or submitting a 7-member panel to the parties and allowing each to strike 2 names.
5 Any panel shall report its finding to the commission for appropriate action.

6 **111.992 Fair-share and maintenance of membership agreements. (1)**

7 (a) 1. No fair-share agreement is effective unless authorized by a referendum. The
8 commission shall order a referendum whenever it receives a petition supported by
9 proof that at least 30 percent of the employees, or supervisors specified in s. 111.98
10 (5), in a collective bargaining unit desire that a fair-share agreement be entered into
11 between the employer and a labor organization.

12 2. For a fair-share agreement to be authorized, at least a majority of the eligible
13 employees or supervisors voting in a referendum must vote in favor of the agreement.

14 (b) No maintenance of membership agreement may be effective unless
15 authorized. For a maintenance of membership agreement to be authorized, the
16 employer and the labor organization representing the employees must voluntarily
17 agree to establish the maintenance of membership agreement.

18 (c) If a fair-share agreement is authorized in a referendum, the employer shall
19 enter into a fair-share agreement with the labor organization named on the ballot
20 in the referendum. If a maintenance of membership agreement is authorized under
21 par. (b), the employer shall enter into the maintenance of membership agreement
22 with the labor union that voluntarily agreed to establish the agreement. Each
23 fair-share or maintenance of membership agreement shall require the employer to
24 deduct the amount of dues as certified by the labor organization from the earnings
25 of the employees or supervisors affected by the agreement and to pay the amount

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1 deducted to the labor organization. Unless the parties agree to an earlier date, a
2 fair-share agreement takes effect 60 days after the commission certifies that the
3 referendum vote authorized the fair-share agreement, and unless the parties agree
4 to an earlier date a maintenance of membership agreement takes effect 60 days after
5 the commission certifies that the parties have voluntarily agreed to establish the
6 maintenance of membership agreement. The employer shall be held harmless
7 against any claims, demands, suits, and other forms of liability made by employees
8 or supervisors or local labor organizations which may arise for actions the employer
9 takes in compliance with this section. All such lawful claims, demands, suits, and
10 other forms of liability are the responsibility of the labor organization entering into
11 the agreement.

12 (d) Under each fair-share or maintenance of membership agreement, an
13 employee or supervisor who has religious convictions against dues payments to a
14 labor organization may request the labor organization to pay his or her dues to a
15 charity mutually agreed upon by the employee or supervisor and the labor
16 organization. Any dispute under this paragraph may be submitted to the
17 commission for adjudication.

18 (2) (a) 1. Once authorized, a fair-share agreement continues, subject to the
19 right of the employer or labor organization concerned to petition the commission to
20 conduct a new referendum. If the commission receives a petition and finds that at
21 least 30 percent of the employees or supervisors in the collective bargaining unit
22 want to discontinue the fair-share agreement, the commission shall conduct a new
23 referendum. If the continuance of the fair-share agreement is approved in the
24 referendum by at least the percentage of eligible voting employees or supervisors
25 required for its initial authorization, it shall continue, subject to the right of the

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1 employer or labor organization to later initiate a further vote following the procedure
2 prescribed in this subsection. If the continuance of the fair-share agreement is not
3 supported in any referendum, it terminates at the termination of the collective
4 bargaining agreement, or one year from the date of the certification of the result of
5 the referendum, whichever is earlier.

6 2. Once authorized, a maintenance of membership agreement is in effect,
7 subject to the right of the employer or the labor organization concerned to notify the
8 commission that it no longer voluntarily agrees to continue the agreement. After the
9 commission is notified, the maintenance of membership agreement terminates at the
10 termination of the collective bargaining agreement or one year from the notification,
11 whichever is earlier.

12 (b) The commission shall suspend any fair-share or maintenance of
13 membership agreement upon such conditions and for such time as the commission
14 decides whenever it finds that the labor organization involved has refused on the
15 basis of race, color, sexual orientation, or creed to receive as a member any employee
16 or supervisor in the collective bargaining unit involved, and the agreement shall be
17 made subject to the findings and orders of the commission. Any of the parties to the
18 agreement, or any employee or supervisor covered under the agreement, may come
19 before the commission, as provided in s. 111.07, and petition the commission to make
20 such a finding.

21 (3) A stipulation for a referendum executed by an employer and a labor
22 organization may not be filed until after the representation election has been held
23 and the results certified.

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1 (4) The commission may, under rules adopted for that purpose, appoint as its
2 agent an official of a state agency whose employees are entitled to vote in a
3 referendum to conduct a referendum under this section.

4 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the
5 interpretation of a collective bargaining agreement may agree in writing to have the
6 commission or any other appointing state agency serve as arbitrator or may
7 designate any other competent, impartial, and disinterested persons to so serve.
8 Such arbitration proceedings shall be governed by ch. 788.

9 (2) The board shall charge an institution for the employer's share of the cost
10 related to grievance arbitration under sub. (1) for any arbitration that involves one
11 or more employees of the institution. Each institution charged shall pay the amount
12 that the board charges from the appropriation account or accounts used to pay the
13 salary of the grievant. Funds received under this subsection shall be credited to the
14 appropriation account under s. 20.545 (1) (km).

15 **111.994 Mediation.** The commission may appoint any competent, impartial,
16 disinterested person to act as mediator in any labor dispute either upon its own
17 initiative or upon the joint request of both parties to the dispute. It is the function
18 of a mediator to bring the parties together voluntarily under such favorable
19 conditions as will tend to effectuate settlement of the dispute, but neither the
20 mediator nor the commission has any power of compulsion in mediation proceedings.

21 **111.995 Fact-finding.** (1) If a dispute has not been settled after a reasonable
22 period of negotiation and after the settlement procedures, if any, established by the
23 parties have been exhausted, the representative that has been certified by the
24 commission after an election, as the exclusive representative of employees in an
25 appropriate bargaining unit, and the employer, its officers, and agents, after a

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1 reasonable period of negotiation, are deadlocked with respect to any dispute between
2 them arising in the collective bargaining process, either party, or the parties jointly,
3 may petition the commission, in writing, to initiate fact-finding under this section,
4 and to make recommendations to resolve the deadlock.

5 (2) Upon receipt of a petition to initiate fact-finding, the commission shall
6 make an investigation with or without a formal hearing, to determine whether a
7 deadlock in fact exists. The commission shall certify the results of the investigation.
8 If the commission decides that fact-finding should be initiated, it shall appoint a
9 qualified, disinterested person or, when jointly requested by the parties, a 3-member
10 panel to function as a fact finder.

11 (3) The fact finder may establish dates and place of hearings and shall conduct
12 the hearings under rules established by the commission. Upon request, the
13 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
14 finder may administer oaths. Upon completion of the hearing, the fact finder shall
15 make written findings of fact and recommendations for solution of the dispute and
16 shall cause the same to be served on the parties and the commission. In making
17 findings and recommendations, the fact finder shall take into consideration among
18 other pertinent factors the principles vital to the public interest in efficient and
19 economical governmental administration. Upon the request of either party, the fact
20 finder may orally present the recommendations in advance of service of the written
21 findings and recommendations. Cost of fact-finding proceedings shall be divided
22 equally between the parties. At the time the fact finder submits a statement of his
23 or her costs to the parties, the fact finder shall submit a copy to the commission at
24 its Madison office.

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1 (4) A fact finder may mediate a dispute at any time prior to the issuance of the
2 fact finder's recommendations.

3 (5) Within 30 days of the receipt of the fact finder's recommendations or within
4 a time mutually agreed upon by the parties, each party shall advise the other, in
5 writing, as to the party's acceptance or rejection, in whole or in part, of the fact
6 finder's recommendations and, at the same time, send a copy of the notification to
7 the commission at its Madison office. Failure to comply with this subsection, by the
8 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

9 **111.996 Strike prohibited.** (1) Upon establishing that a strike is in progress,
10 the employer may either seek an injunction or file an unfair labor practice charge
11 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
12 board to decide whether to seek an injunction or file an unfair labor practice charge.
13 The existence of an administrative remedy does not constitute grounds for denial of
14 injunctive relief.

15 (2) The occurrence of a strike and the participation in the strike by an employee
16 do not affect the rights of the employer, in law or in equity, to deal with the strike,
17 including all of the following:

18 (a) The right to impose discipline, including discharge, or suspension without
19 pay, of any employee participating in the strike.

20 (b) The right to cancel the reinstatement eligibility of any employee engaging
21 in the strike.

22 (c) The right of the employer to request the imposition of fines, either against
23 the labor organization or the employee engaging in the strike, or to sue for damages
24 because of such strike activity.

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1 **111.997 Management rights.** Nothing in this subchapter interferes with the
2 right of the board or the University of Wisconsin-Madison, in accordance with this
3 subchapter, to do any of the following:

4 (1) Carry out the statutory mandate and goals assigned to the board or to the
5 University of Wisconsin-Madison by the most appropriate and efficient methods and
6 means and utilize personnel in the most appropriate and efficient manner possible.

7 (2) Suspend, demote, discharge, or take other appropriate disciplinary action
8 against the employee; or to lay off employees in the event of lack of work or funds or
9 under conditions where continuation of such work would be inefficient and
10 nonproductive.

11 **111.998 Subjects of bargaining.** (1) (a) Except as provided in pars. (b) to
12 (f), matters subject to collective bargaining to the point of impasse are salaries; fringe
13 benefits consistent with sub. (2); and hours and conditions of employment.

14 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to
15 (i) or (jk) to (r), the board and, with respect to a collective bargaining unit specified
16 in s. 111.98 (1) (a) or (j), the University of Wisconsin-Madison is not required to
17 bargain on management rights under s. 111.997, except that procedures for the
18 adjustment or settlement of grievances or disputes arising out of any type of
19 disciplinary action in s. 111.997 (2) is a subject of bargaining.

20 (c) The board and the University of ~~Madison~~ Madison are prohibited from
21 bargaining on matters contained in sub. (2). *Wisconsin*

22 (d) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all
23 laws governing the Wisconsin Retirement System under ch. 40 and all actions of the
24 board and of the University of ~~Madison~~ Madison that are authorized under any such
25 law that apply to nonrepresented individuals employed by the state shall apply to
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1 similarly situated employees, unless otherwise specifically provided in a collective
2 bargaining agreement that applies to those employees.

3 (e) Demands relating to retirement and group insurance shall be submitted to
4 the board or to the University of Wisconsin-Madison, whichever is appropriate, at
5 least one year prior to commencement of negotiations.

6 (f) Neither the board nor the University of Wisconsin-Madison is required to
7 bargain on matters related to employee occupancy of houses or other lodging
8 provided by the state.

9 (2) The board and the University of Wisconsin-Madison are prohibited from
10 bargaining on all of the following:

11 (a) The mission and goals of the University of Wisconsin System as set forth
12 in the statutes; the diminution of the right of tenure provided the faculty under s.
13 36.13, the rights granted faculty under s. 36.09 (4) and academic staff under s. 36.09
14 (4m), or the rights of appointment provided academic staff under s. 36.15; or
15 academic freedom.

16 (b) Amendments to this subchapter.

17 (c) Family leave and medical leave rights below the minimum afforded under
18 s. 103.10. Nothing in this paragraph prohibits bargaining on rights to family leave
19 or medical leave which are more generous to the employee than the rights provided
20 under s. 103.10.

21 (e) The rights of employees to have retirement benefits computed under s.
22 40.30.

23 (f) Honesty testing requirements that provide fewer rights and remedies to
24 employees than are provided under s. 111.37.

25 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.

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1 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)
2 to (8) and (10), 632.747, and 632.748.

3 (j) Compliance with the insurance requirements under s. 631.95.

4 (k) The definition of earnings under s. 40.02 (22).

5 (L) The maximum benefit limitations under s. 40.31.

6 (m) The limitations on contributions under s. 40.32.

7 (n) The provision to employees of the health insurance coverage required under
8 s. 632.895 (11) to (14).

9 (o) The requirements related to coverage of and prior authorization for
10 treatment of an emergency medical condition under s. 632.85.

11 (p) The requirements related to coverage of drugs and devices under s. 632.853.

12 (q) The requirements related to experimental treatment under s. 632.855.

13 (r) The requirements under s. 609.10 related to offering a point-of-service
14 option plan.

15 (s) The requirements related to internal grievance procedures under s. 632.83
16 and independent review of certain health benefit plan determinations under s.
17 632.835.

18 (3) Upon request, the chancellor at each institution, or his or her designee,
19 shall meet and confer with the collective bargaining representative, if any, with
20 regard to any issue that is a permissive subject of bargaining, except when the issue
21 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

22 **111.999 Labor proposals.** (1) With respect to a collective bargaining unit
23 specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall notify and consult with
24 the joint committee on employment relations, in such form and detail as the
25 committee requests, regarding substantial changes in wages, employee benefits,

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1 personnel management, and program policy contract provisions to be included in any
2 contract proposal to be offered to any labor organization by the state or to be agreed
3 to by the state before such proposal is actually offered or accepted.

4 (2) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or
5 (j), the University of Wisconsin–Madison shall notify and consult with the joint
6 committee on employment relations, in such form and detail as the committee
7 requests, regarding substantial changes in wages, employee benefits, personnel
8 management, and program policy contract provisions to be included in any contract
9 proposal to be offered to any labor organization or to be agreed to before such proposal
10 is actually offered or accepted.

11 **111.9991 Agreements.** (1) (a) Any tentative agreement reached between the
12 board, acting for the state, and any labor organization representing a collective
13 bargaining unit specified in s. 111.98 (1) (b) to (i) or (jk) to (r) shall, after official
14 ratification by the labor organization, be submitted by the board to the joint
15 committee on employment relations, which shall hold a public hearing before
16 determining its approval or disapproval.

17 (b) Any tentative agreement reached between the University of
18 Wisconsin–Madison, acting for the state, and any labor organization representing a
19 collective bargaining unit specified in s. 111.98 (1) (a) or (j) shall, after official
20 ratification by the labor organization, be submitted by the University of
21 Wisconsin–Madison to the joint committee on employment relations, which shall
22 hold a public hearing before determining its approval or disapproval.

23 (c) If the committee approves a tentative agreement, under par. (a) or (b) it shall
24 introduce in a bill or companion bills, to be put on the calendar or referred to the
25 appropriate scheduling committee of each house, that portion of the tentative

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1 agreement which requires legislative action for implementation, such as salary and
2 wage adjustments, changes in fringe benefits, and any proposed amendments,
3 deletions, or additions to existing law. Such bill or companion bills are not subject
4 to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however,
5 submit suitable portions of the tentative agreement to appropriate legislative
6 committees for advisory recommendations on the proposed terms. The committee
7 shall accompany the introduction of such proposed legislation with a message that
8 informs the legislature of the committee's concurrence with the matters under
9 consideration and that recommends the passage of such legislation without change.
10 If the joint committee on employment relations does not approve the tentative
11 agreement, it shall be returned to the parties for renegotiation. If the legislature
12 does not adopt without change that portion of the tentative agreement introduced by
13 the joint committee on employment relations, the tentative agreement shall be
14 returned to the parties for renegotiation.

15 (2) No portion of any tentative agreement shall become effective separately.

16 (3) Agreements shall coincide with the fiscal year or biennium.

17 (4) The negotiation of collective bargaining agreements and their approval by
18 the parties should coincide with the overall fiscal planning and processes of the state.

19 (5) All compensation adjustments for employees shall be effective on the
20 beginning date of the pay period nearest the statutory or administrative date.

21 **111.9992 Status of existing benefits and rights.** Unless a prohibited
22 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
23 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
24 governing the salaries, fringe benefits, hours, and conditions of employment apply
25 to each employee, unless otherwise provided in a collective bargaining agreement.

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1 **111.9993 Rules, transcripts, fees.** (1) The commission may adopt
2 reasonable and proper rules relative to the exercise of its powers and authority and
3 proper rules to govern its proceedings and to regulate the conduct of all elections and
4 hearings under this subchapter. The commission shall, upon request, provide a
5 transcript of a proceeding to any party to the proceeding for a fee, established by rule,
6 by the commission at a uniform rate per page. All transcript fees shall be credited
7 to the appropriation account under s. 20.425 (1) (i).

8 (2) The commission shall assess and collect a filing fee for filing a complaint
9 alleging that an unfair labor practice has been committed under s. 111.991. The
10 commission shall assess and collect a filing fee for filing a request that the
11 commission act as an arbitrator to resolve a dispute involving the interpretation or
12 application of a collective bargaining agreement under s. 111.993. The commission
13 shall assess and collect a filing fee for filing a request that the commission initiate
14 fact-finding under s. 111.995. The commission shall assess and collect a filing fee
15 for filing a request that the commission act as a mediator under s. 111.994. For the
16 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
17 commission shall require that the parties to the dispute equally share in the payment
18 of the fee and, for the performance of commission actions involving a complaint
19 alleging that an unfair labor practice has been committed under s. 111.991, the
20 commission shall require that the party filing the complaint pay the entire fee. If any
21 party has paid a filing fee requesting the commission to act as a mediator for a labor
22 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
23 the commission may not subsequently assess or collect a filing fee to initiate
24 fact-finding to resolve the same labor dispute. If any request concerns issues arising
25 as a result of more than one unrelated event or occurrence, each such separate event

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1 or occurrence shall be treated as a separate request. The commission shall
2 promulgate rules establishing a schedule of filing fees to be paid under this
3 subsection. Fees required to be paid under this subsection shall be paid at the time
4 of filing the complaint or the request for fact-finding, mediation, or arbitration. A
5 complaint or request for fact-finding, mediation, or arbitration is not filed until the
6 date such fee or fees are paid. Fees collected under this subsection shall be credited
to the appropriation account under s. 20.425 (1) (i).

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END OF SECTION 86

8 **SECTION 87.** 111.02 (1) of the statutes is amended to read:

9 111.02 (1) "All-union agreement" means an agreement between an employer
10 other than the University of Wisconsin Hospitals and Clinics Authority and the
11 representative of the employer's employees in a collective bargaining unit whereby
12 all or any of the employees in such unit are required to be members of a single labor
13 organization.

14 **SECTION 88.** 111.02 (2) of the statutes is amended to read:

15 111.02 (2) "Collective bargaining" means the negotiation by an employer and
16 a majority of the employer's employees in a collective bargaining unit, or their
17 representatives, concerning representation or terms and conditions of employment
18 of such employees, except as provided under ss. 111.05 (5) and 111.17 (2), in a
19 mutually genuine effort to reach an agreement with reference to the subject under
20 negotiation.

21 **SECTION 89.** 111.02 (3) of the statutes is amended to read:

22 111.02 (3) "Collective bargaining unit" means all of the employees of one
23 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and
24 except that where a majority of the employees engaged in a single craft, division,
25 department or plant have voted by secret ballot as provided in s. 111.05 (2) to

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1 constitute such group a separate bargaining unit they shall be so considered, but, in
2 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to
3 111.19, the commission may find, where agreeable to all parties affected in any way
4 thereby, an industry, trade or business comprising more than one employer in an
5 association in any geographical area to be a “collective bargaining unit”. A collective
6 bargaining unit thus established by the commission shall be subject to all rights by
7 termination or modification given by ss. 111.01 to 111.19 in reference to collective
8 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
9 collective bargaining units may bargain collectively through the same
10 representative where a majority of the employees in each separate unit have voted
11 by secret ballot as provided in s. 111.05 (2) so to do.

12 **SECTION 90.** 111.02 (6) (am) of the statutes is created to read:

13 111.02 (6) (am) “Employee” includes a child care provider certified under s.
14 48.651 and a child care provider licensed under s. 48.65 who provides care and
15 supervision for not more than 8 children who are not related to the child care
16 provider.

17 **SECTION 91.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)
18 and amended to read:

19 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of
20 an employee, and includes ~~a-~~ all of the following:

21 1. A person acting on behalf of an employer within the scope of his or her
22 authority, express or implied.

23 **SECTION 92.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

24 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

25 3. A local cultural arts district created under subch. V of ch. 229.

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1 4. With respect to an employee under sub. (6) (am), the state, counties, and
2 other administrative entities involved in regulation and subsidization of employees
3 under sub. (6) (am).

4 **SECTION 93.** 111.02 (7) (b) 1. of the statutes is amended to read:

5 111.02 (7) (b) 1. The Except as provided in par. (a) 4., the state or any political
6 subdivision thereof.

7 **SECTION 94.** 111.02 (7m), (9m) and (10m) of the statutes are created to read:

8 111.02 (7m) “Fair-share agreement” means an agreement between the
9 University of Wisconsin Hospitals and Clinics Authority and a labor organization
10 representing employees of that authority, or between an employer defined under sub.
11 (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under
12 which all of the employees in a collective bargaining unit are required to pay their
13 proportionate share of the cost of the collective bargaining process and contract
14 administration measured by the amount of dues uniformly required of all members.

15 **(9m)** “Maintenance of membership agreement” means any of the following:

16 (a) An agreement between the University of Wisconsin Hospitals and Clinics
17 Authority and a labor organization representing employees of that authority that
18 requires that all of the employees whose dues are being deducted from earnings
19 under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect continue
20 to have dues deducted for the duration of the agreement and that dues be deducted
21 from the earnings of all employees who are hired on or after the effective date of the
22 agreement.

23 (b) An agreement between an employer under sub. (7) (a) 4. and a labor
24 organization representing employees under sub. (6) (am) that requires that all of the
25 employees whose dues are being deducted from earnings under s. 111.06 (1) (i) at the

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1 time the agreement takes effect continue to have dues deducted for the duration of
2 the agreement and that dues be deducted from the earnings of all employees who are
3 hired on or after the effective date of the agreement.

4 (10m) "Referendum" means a proceeding conducted by the commission in
5 which employees of the University of Wisconsin Hospitals and Clinics Authority in
6 a collective bargaining unit or in which employees under sub. (6) (am) in a collective
7 bargaining unit may cast a secret ballot on the question of directing the labor
8 organization and the employer to enter into a fair-share or maintenance of
9 membership agreement or to terminate such an agreement.

10 **SECTION 95.** 111.05 (2) of the statutes is amended to read:

11 111.05 (2) ~~Whenever~~ Except as provided in subs. (5) and (7), whenever a
12 question arises concerning the determination of a collective bargaining unit, it shall
13 be determined by secret ballot, and the commission, upon request, shall cause the
14 ballot to be taken in such manner as to show separately the wishes of the employees
15 in any craft, division, department or plant as to the determination of the collective
16 bargaining unit.

17 **SECTION 96.** 111.05 (5) of the statutes is created to read:

18 111.05 (5) (a) Collective bargaining units for representation of the employees
19 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit
20 for employees engaged in each of the following functions:

- 21 1. Fiscal and staff services.
- 22 2. Patient care.
- 23 3. Science.
- 24 4. Clerical and related.
- 25 5. Blue collar and nonbuilding trades.

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1 6. Building trades crafts.

2 7. Security and public safety.

3 8. Technical.

4 (b) Collective bargaining units for representation of the employees of the
5 University of Wisconsin Hospitals and Clinics Authority who are engaged in a
6 function not specified in par. (a) shall be determined in the manner provided in this
7 section. The creation of any collective bargaining unit for the employees is subject
8 to approval of the commission. The commission may not permit fragmentation of the
9 collective bargaining units or creation of any collective bargaining unit that is too
10 small to provide adequate representation of employees. In approving the collective
11 bargaining units, the commission shall give primary consideration to the authority's
12 needs to fulfill its statutory missions.

13 **SECTION 97.** 111.05 (6) of the statutes is created to read:

14 111.05 (6) If a single representative is recognized or certified to represent more
15 than one of the collective bargaining units specified in sub. (5), that representative
16 and the employer may jointly agree to combine the collective bargaining units,
17 subject to the right of the employees in any of the collective bargaining units that
18 were combined to petition for an election under sub. (3). Any agreement under this
19 subsection is effective when the parties provide written notice of the agreement to
20 the commission and terminates when the party provides written notice of
21 termination to the commission or when the representative entering into the
22 agreement is decertified as representative of one of the combined collective
23 bargaining units, whichever occurs first.

24 **SECTION 98.** 111.05 (7) of the statutes is created to read:

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1 111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective
2 bargaining unit.

3 **SECTION 99.** 111.06 (1) (c) 1. of the statutes is amended to read:

4 111.06 (1) (c) 1. To encourage or discourage membership in any labor
5 organization, employee agency, committee, association, or representation plan by
6 discrimination in regard to hiring, tenure, or other terms or conditions of
7 employment except in a collective bargaining unit where an all-union, fair-share,
8 or maintenance of membership agreement is in effect. An employer may enter into
9 an all-union agreement with the voluntarily recognized representative of the
10 employees in a collective bargaining unit, where at least a majority of such employees
11 voting have voted affirmatively, by secret ballot, in favor of the all-union agreement
12 in a referendum conducted by the commission, except that where the bargaining
13 representative has been certified by either the commission or the national labor
14 relations board as the result of a representation election, no referendum is required
15 to authorize the entry into an all-union agreement. An authorization of an all-union
16 agreement continues, subject to the right of either party to the all-union agreement
17 to petition the commission to conduct a new referendum on the subject. Upon receipt
18 of the petition, if the commission determines there is reasonable ground to believe
19 that the employees concerned have changed their attitude toward the all-union
20 agreement, the commission shall conduct a referendum. If the continuance of the
21 all-union agreement is supported on a referendum by a vote at least equal to that
22 provided in this subdivision for its initial authorization, it may continue, subject to
23 the right to petition for a further vote by the procedure under this subdivision. If the
24 continuance of the all-union agreement is not supported on a referendum, it
25 terminates at the expiration of the contract of which it is then a part or at the end

BILL**SECTION 99**

1 of one year from the date of the announcement by the commission of the result of the
2 referendum, whichever is earlier. The commission shall declare any all-union
3 agreement terminated whenever it finds that the labor organization involved has
4 unreasonably refused to receive as a member any employee of such employer. An
5 interested person may, as provided in s. 111.07, request the commission to perform
6 this duty. Any all-union agreement in effect on October 4, 1975, made in accordance
7 with the law in effect at the time it is made is valid.

8 **SECTION 100.** 111.06 (1) (d) of the statutes is amended to read:

9 111.06 (1) (d) To refuse to bargain collectively with the representative of a
10 majority of the employer's employees in any collective bargaining unit with respect
11 to representation or terms and conditions of employment, except as provided under
12 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with
13 the commission a petition requesting a determination as to majority representation,
14 the employer ~~shall not be deemed to have~~ has not refused to bargain until an election
15 has been held and the commission has certified the result thereof ~~has been certified~~
16 to the employer ~~by the commission.~~

17 **SECTION 101.** 111.06 (1) (i) of the statutes is amended to read:

18 111.06 (1) (i) To deduct labor organization dues or assessments from an
19 employee's earnings, unless the employer has been presented with an individual
20 order ~~therefor~~, signed by the employee personally, and terminable at the end of any
21 year of its life by the employee giving at least thirty days' written notice of ~~such~~ the
22 termination unless there is an all-union fair-share, or maintenance of membership
23 agreement in effect. The employer shall give notice to the labor organization of
24 receipt of ~~such~~ a notice of termination.

25 **SECTION 102.** 111.06 (1) (m) of the statutes is created to read:

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1 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout
2 provided in s. 111.115 (2).

3 **SECTION 103.** 111.06 (2) (i) of the statutes is amended to read:

4 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
5 in s. 111.115 (2) or (3).

6 **SECTION 104.** 111.075 of the statutes is created to read:

7 **111.075 Fair-share and maintenance of membership agreements. (1)**

8 (a) No fair-share or maintenance of membership agreement is effective unless
9 authorized by a referendum. The commission shall order a referendum whenever it
10 receives a petition supported by proof that at least 30 percent of the employees in a
11 collective bargaining unit desire that a fair-share or maintenance of membership
12 agreement be entered into between the employer and a labor organization. If the
13 petition requests a referendum on a maintenance of membership agreement only, the
14 ballot shall be limited to that question.

15 (b) For a fair-share agreement to be authorized, at least two-thirds of the
16 eligible employees voting in a referendum must vote for the agreement. For a
17 maintenance of membership agreement to be authorized, at least a majority of the
18 eligible employees voting in a referendum must vote for the agreement. In a
19 referendum on a fair-share agreement, if less than two-thirds but more than
20 one-half of the eligible employees vote for the agreement, a maintenance of
21 membership agreement is authorized.

22 (c) If a fair-share or maintenance of membership agreement is authorized
23 under par. (b), the employer shall enter into a fair-share or maintenance of
24 membership agreement with the labor organization named on the ballot in the
25 referendum. Each fair-share or maintenance of membership agreement must

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1 require the employer to deduct the amount of dues as certified by the labor
2 organization from the earnings of the employees affected by the agreement and to
3 pay the amount deducted to the labor organization. Unless the parties agree to an
4 earlier date, the agreement takes effect 60 days after certification by the commission
5 that the referendum vote authorized the agreement. The employer shall be held
6 harmless against any claims, demands, suits, and other forms of liability made by
7 employees or local labor organizations which may arise for actions the employer
8 takes in compliance with this section. All lawful claims, demands, suits, and other
9 forms of liability are the responsibility of the labor organization entering into the
10 agreement.

11 (d) Under each fair-share or maintenance of membership agreement, an
12 employee who has religious convictions against dues payments to a labor
13 organization may request the labor organization to pay his or her dues to a charity
14 mutually agreed upon by the employee and the labor organization. Any dispute
15 under this paragraph may be submitted to the commission for adjudication.

16 (2) (a) Once authorized, a fair-share or maintenance of membership
17 agreement continues, subject to the right of the employer or labor organization
18 concerned to petition the commission to conduct a new referendum. If the
19 commission receives a petition and finds that at least 30 percent of the employees in
20 the collective bargaining unit want to discontinue the fair-share or maintenance of
21 membership agreement, the commission shall conduct a new referendum. If the
22 continuance of the fair-share or maintenance of membership agreement is approved
23 in the referendum by at least the percentage of eligible voting employees required
24 for its initial authorization, it shall continue, subject to the right of the employer or
25 labor organization to later initiate a further vote following the procedure prescribed

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1 in this subsection. If the continuation of the agreement is not supported in any
2 referendum, it terminates at the expiration of the collective bargaining agreement,
3 or one year from the date of the certification of the result of the referendum,
4 whichever is earlier.

5 (b) The commission shall suspend any fair-share or maintenance of
6 membership agreement upon such conditions and for such time as the commission
7 decides whenever it finds that the labor organization involved has refused on the
8 basis of race, color, sexual orientation, or creed to receive as a member any employee
9 in the collective bargaining unit involved, and the agreement shall be subject to the
10 findings and orders of the commission. Any of the parties to the agreement, or any
11 employee covered thereby, may come before the commission, as provided in s. 111.07,
12 and petition the commission to make such a finding.

13 (3) A stipulation for a referendum executed by an employer and a labor
14 organization may not be filed until after the representation election has been held
15 and the results certified.

16 (4) The commission may, under rules adopted for that purpose, appoint as its
17 agent an official of the University of Wisconsin Hospitals and Clinics Authority to
18 conduct the referenda provided for in this section.

19 (5) This section applies only in collective bargaining units comprised of
20 employees of the University of Wisconsin Hospitals and Clinics Authority.

21 **SECTION 105.** 111.115 (title) of the statutes is amended to read:

22 **111.115 (title) Notice of certain proposed lockouts or strikes.**

23 **SECTION 106.** 111.115 (1) of the statutes is renumbered 111.115 (1) (intro.) and
24 amended to read:

25 111.115 (1) (intro.) In this section, "strike" subsection:

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1 **(b) "Strike"** includes any concerted stoppage of work by employees, ~~and~~ any
2 concerted slowdown or other concerted interruption of operations or services by
3 employees, or any concerted refusal of employees to work or perform their usual
4 duties as employees, for the purpose of enforcing demands upon an employer.

5 **SECTION 107.** 111.115 (1) (a) of the statutes is created to read:

6 111.115 (1) (a) "Lockout" means the barring of any employee from employment
7 in an establishment by an employer as a part of a labor dispute, which is not directly
8 subsequent to a strike or other job action of a labor organization or group of
9 employees of the employer, or which continues or occurs after the termination of a
10 strike or other job action of a labor organization or group of employees of the
11 employer.

12 **SECTION 108.** 111.115 (2) of the statutes is created to read:

13 111.115 (2) If no collective bargaining agreement is in effect between the
14 University of Wisconsin Hospitals and Clinics Authority and the recognized or
15 certified representative of employees of that authority in a collective bargaining unit,
16 the employer may not engage in a lockout affecting employees in that collective
17 bargaining unit without first giving 10 days' written notice to the representative of
18 its intention to engage in a lockout, and the representative may not engage in a strike
19 without first giving 10 days' written notice to the employer of its intention to engage
20 in a strike.

21 **SECTION 109.** 111.17 of the statutes is renumbered 111.17 (intro.) and amended
22 to read:

23 **111.17 Conflict of provisions; effect.** (intro.) Wherever the application of
24 the provisions of other statutes or laws conflict with the application of the provisions
25 of this subchapter, this subchapter shall prevail, except ~~that in~~ for the following:

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1 (1) In any situation where in which the provisions of this subchapter cannot
2 be validly enforced the provisions of such other statutes or laws ~~shall~~ apply.

3 **SECTION 110.** 111.17 (2) of the statutes is created to read:

4 111.17 (2) All fringe benefits authorized or required to be provided by the
5 University of Wisconsin Hospitals and Clinics Authority to its employees under ch.
6 40 ~~shall be~~ ^{are} governed exclusively by ch. 40, except that if any provision of ch. 40
7 specifically permits a collective bargaining agreement under this subchapter to
8 govern the eligibility for or the application, cost, or terms of a fringe benefit under
9 ch. 40, or provides that the eligibility for or the application, cost, or terms of a fringe
10 benefit under ch. 40 ~~shall be~~ ^{is} governed by a collective bargaining agreement under
11 this subchapter, such a provision in a collective bargaining agreement supersedes
12 any provision of ch. 40 with respect to the employees to whom the agreement applies.
13 The employer is prohibited from engaging in collective bargaining concerning any
14 matter governed exclusively by ch. 40 under this subsection.

15 **SECTION 111.** 111.70 (1) (a) of the statutes is amended to read:

16 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
17 obligation of a municipal employer, through its officers and agents, and the
18 representative of its municipal employees in a collective bargaining unit, to meet and
19 confer at reasonable times, in good faith, with the intention of reaching an
20 agreement, or to resolve questions arising under such an agreement, with respect to
21 wages, hours, and conditions of employment ~~for public safety employees or transit~~
22 ~~employees and with respect to wages for general municipal employees, and with~~
23 respect to a requirement of the municipal employer for a municipal employee to
24 perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13
25 (2e) and for a school district with respect to any matter under sub. (4) (n), except as

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✓
1 provided in ~~sub. subs. (3m), (3p), and (4) (mb) (m)~~ and (mc) and s. 40.81 (3) and except
2 that a municipal employer shall not meet and confer with respect to any proposal to
3 diminish or abridge the rights guaranteed to any ~~public safety~~ municipal employees
4 under ch. 164. Collective bargaining includes the reduction of any agreement
5 reached to a written and signed document.

6 **SECTION 112.** 111.70 (1) (cm) of the statutes is repealed.

7 **SECTION 113.** 111.70 (1) (f) of the statutes is amended to read:

8 111.70 (1) (f) "Fair-share agreement" means an agreement between a
9 municipal employer and a labor organization ~~that represents public safety~~
10 ~~employees or transit employees~~ under which all or any of the ~~public safety~~ municipal
11 ~~employees or transit employees~~ in the collective bargaining unit are required to pay
12 their proportionate share of the cost of the collective bargaining process and contract
13 administration measured by the amount of dues uniformly required of all members.

14 **SECTION 114.** 111.70 (1) (fm) of the statutes is repealed.

15 **SECTION 115.** 111.70 (1) (j) of the statutes is amended to read:

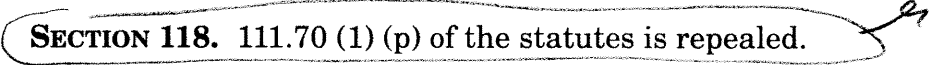
16 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
17 metropolitan sewerage district, school district, long-term care district, ~~transit~~
18 ~~authority under s. 59.58 (7) or 66.1039, local cultural arts district created under~~
19 ~~subch. V of ch. 229, or any other political subdivision of the state, or instrumentality~~
20 of one or more political subdivisions of the state, that engages the services of an
21 employee and includes any person acting on behalf of a municipal employer within
22 the scope of the person's authority, express or implied, but does not include a local
23 cultural arts district created under subch. V of ch. 229.

24 **SECTION 116.** 111.70 (1) (mm) of the statutes is repealed.

25 **SECTION 117.** 111.70 (1) (n) of the statutes is amended to read:

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1 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
2 in which ~~public safety employees or transit~~ municipal employees in a collective
3 bargaining unit may cast a secret ballot on the question of authorizing a labor
4 organization and the employer to continue a fair-share agreement.

5 **SECTION 118.** 111.70 (1) (p) of the statutes is repealed. 

6 **SECTION 119.** 111.70 (1g) of the statutes is created to read:

7 111.70 (1g) DECLARATION OF POLICY. (a) The public policy of the state as to labor
8 disputes arising in municipal employment is to encourage voluntary settlement
9 through the procedures of collective bargaining. Accordingly, it is in the public
10 interest that municipal employees (so desiring) be given an opportunity to bargain
11 collectively with the municipal employer through a labor organization or other
12 representative of the employees' own choice. If such procedures fail, the parties
13 should have available to them a fair, speedy, effective and, above all, peaceful
14 procedure for settlement as provided in this subchapter.

15 (b) In creating this subchapter the legislature recognizes that the municipal
16 employer must exercise its powers and responsibilities to act for the government and
17 good order of the jurisdiction which it serves, its commercial benefit and the health,
18 safety, and welfare of the public to assure orderly operations and functions within its
19 jurisdiction, subject to those rights secured to municipal employees by the
20 constitutions of this state and of the United States and by this subchapter.

21 **SECTION 120.** 111.70 (2) of the statutes is amended to read:

22 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right
23 of self-organization, and the right to form, join, or assist labor organizations, to
24 bargain collectively through representatives of their own choosing, and to engage in
25 lawful, concerted activities for the purpose of collective bargaining or other mutual

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1 aid or protection. Municipal employees have the right to refrain from any and all
2 such activities. ~~A general municipal employee has the right to refrain from paying~~
3 ~~dues while remaining a member of a collective bargaining unit. A public safety~~
4 ~~employee or a transit employee, however,~~ except that an employee may be required
5 to pay dues in the manner provided in a fair-share agreement; a fair-share
6 agreement ~~covering a public safety employee or a transit employee~~ must contain a
7 ~~provision requiring~~ require the municipal employer to deduct the amount of dues as
8 certified by the labor organization from the earnings of the employee affected by the
9 fair-share agreement and to pay the amount deducted to the labor organization. A
10 fair-share agreement ~~covering a public safety employee or transit employee~~ is
11 subject to the right of the municipal employer or a labor organization to petition the
12 commission to conduct a referendum. Such petition must be supported by proof that
13 at least 30% of the employees in the collective bargaining unit desire that the
14 fair-share agreement be terminated. Upon so finding, the commission shall conduct
15 a referendum. If the continuation of the agreement is not supported by at least the
16 majority of the eligible employees, it shall terminate. The commission shall ~~declare~~
17 suspend any fair-share agreement ~~suspended~~ upon such conditions and for such
18 time as the commission decides whenever it finds that the labor organization
19 involved has refused on the basis of race, color, sexual orientation, creed, or sex to
20 receive as a member any ~~public safety employee or transit employee~~ of the municipal
21 employer in the bargaining unit involved, and such agreement is subject to this duty
22 of the commission. Any of the parties to such agreement or any ~~public safety~~
23 ~~employee or transit~~ municipal employee covered by the agreement may come before
24 the commission, as provided in s. 111.07, and ask the performance of this duty.

25 **SECTION 121.** 111.70 (3) (a) 3. of the statutes is amended to read:

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1 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
2 organization by discrimination in regard to hiring, tenure, or other terms or
3 conditions of employment; but the prohibition shall not apply to a fair-share
4 agreement that covers public safety employees or transit employees.

5 **SECTION 122.** 111.70 (3) (a) 5. of the statutes is amended to read:

6 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
7 agreed upon by the parties with respect to wages, hours and conditions of
8 employment affecting public safety employees or transit municipal employees,
9 including an agreement to arbitrate questions arising as to the meaning or
10 application of the terms of a collective bargaining agreement or to accept the terms
11 of such arbitration award, where previously the parties have agreed to accept such
12 award as final and binding upon them or to violate any collective bargaining
13 agreement affecting general municipal employees, that was previously agreed upon
14 by the parties with respect to wages.

15 **SECTION 123.** 111.70 (3) (a) 6. of the statutes is amended to read:

16 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public
17 safety employee or a transit municipal employee, unless the municipal employer has
18 been presented with an individual order therefor, signed by the employee personally,
19 and terminable by at least the end of any year of its life or earlier by the public safety
20 employee or transit municipal employee giving at least 30 days' written notice of such
21 termination to the municipal employer and to the representative organization,
22 except when a fair-share agreement is in effect.

23 **SECTION 124.** 111.70 (3) (a) 7. of the statutes is created to read:

24 111.70 (3) (a) 7. To refuse or otherwise fail to implement an arbitration decision
25 lawfully made under sub. (4) (cm).

BILL**SECTION 125**

1 **SECTION 125.** 111.70 (3) (a) 7m. of the statutes is repealed.

2 **SECTION 126.** 111.70 (3) (a) 9. of the statutes is amended to read:

3 111.70 (3) (a) 9. ~~If the collective bargaining unit contains a public safety~~
4 ~~employee or transit employee, after~~ After a collective bargaining agreement expires
5 and before another collective bargaining agreement takes effect, to fail to follow any
6 fair-share agreement in the expired collective bargaining agreement.

7 **SECTION 127.** 111.70 (3) (b) 6. of the statutes is created to read:

8 111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision
9 lawfully made under sub. (4) (cm).

10 **SECTION 128.** 111.70 (3) (b) 6m. of the statutes is repealed.

11 **SECTION 129.** 111.70 (3g) of the statutes is repealed.

12 **SECTION 130.** 111.70 (3m) of the statutes is created to read:

13 111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective
14 bargaining agreement that covers municipal employees performing services for the
15 Milwaukee County enrollment services unit under s. 49.825 must contain a provision
16 that permits the terms of the agreement to be modified with respect to hours and
17 conditions of employment by a memorandum of understanding under s. 49.825 (3)
18 (b) 4.

19 **SECTION 131.** 111.70 (3p) of the statutes is created to read:

20 111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining
21 agreement that covers municipal employees performing services for the child care
22 provider services unit under s. 49.826 must contain a provision that permits the
23 terms of the agreement to be modified with respect to hours and conditions of
24 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

25 **SECTION 132.** 111.70 (4) (bm) of the statutes is repealed.

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1 **SECTION 133.** 111.70 (4) (c) (title) of the statutes is amended to read:

2 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; public safety*
3 *employees law enforcement and fire fighting personnel.*

4 **SECTION 134.** 111.70 (4) (c) 1. of the statutes is renumbered 111.70 (4) (c) 1m.
5 and amended to read:

6 111.70 (4) (c) 1m. 'Mediation.' The commission may function as a mediator in
7 labor disputes involving a collective bargaining unit containing a public safety
8 employee. Such mediation may be carried on by a person designated to act by the
9 commission upon request of one or both of the parties or upon initiation of the
10 commission. The function of the mediator is to encourage voluntary settlement by
11 the parties but no mediator has the power of compulsion.

12 **SECTION 135.** 111.70 (4) (c) 1g. of the statutes is created to read:

13 111.70 (4) (c) 1g. 'Applicability.' This paragraph applies only to municipal
14 employees who are engaged in law enforcement or fire fighting functions.

15 **SECTION 136.** 111.70 (4) (c) 2. of the statutes is amended to read:

16 111.70 (4) (c) 2. 'Arbitration.' Parties to a dispute pertaining to the meaning
17 or application of the terms of a written collective bargaining agreement involving a
18 collective bargaining unit containing a public safety employee may agree in writing
19 to have the commission or any other appropriate agency serve as arbitrator or may
20 designate any other competent, impartial and disinterested person to so serve.

21 **SECTION 137.** 111.70 (4) (c) 3. (intro.) of the statutes is amended to read:

22 111.70 (4) (c) 3. 'Fact-finding.' (intro.) Unless s. 111.77 applies, if a dispute
23 involving a collective bargaining unit containing a public safety employee has not
24 been settled after a reasonable period of negotiation and after the settlement
25 procedures, if any, established by the parties have been exhausted, and the parties

BILL**SECTION 137**

1 are deadlocked with respect to any dispute between them arising in the collective
2 bargaining process, either party, or the parties jointly, may petition the commission,
3 in writing, to initiate fact-finding, and to make recommendations to resolve the
4 deadlock, as follows:

5 **SECTION 138.** 111.70 (4) (cg) of the statutes is repealed.

6 **SECTION 139.** 111.70 (4) (cm) (title) of the statutes is amended to read:

7 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; general*
8 ~~*municipal employees other personnel.*~~

9 **SECTION 140.** 111.70 (4) (cm) 1. of the statutes is renumbered 111.70 (4) (cm)
10 1m. and amended to read:

11 111.70 (4) (cm) 1m. 'Notice of commencement of contract negotiations.' For the
12 purpose of advising the commission of the commencement of contract negotiations
13 ~~involving a collective bargaining unit containing general municipal employees,~~
14 whenever either party requests the other to reopen negotiations under a binding
15 collective bargaining agreement, or the parties otherwise commence negotiations if
16 no such agreement exists, the party requesting negotiations shall immediately notify
17 the commission in writing. Upon failure of the requesting party to provide such
18 notice, the other party may so notify the commission. The notice shall specify the
19 expiration date of the existing collective bargaining agreement, if any, and shall set
20 forth any additional information the commission may require on a form provided by
21 the commission.

22 **SECTION 141.** 111.70 (4) (cm) 1g. of the statutes is created to read:

23 111.70 (4) (cm) 1g. 'Application.'

24 a. Chapter 788 does not apply to arbitration proceedings under this paragraph.

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1 b. This paragraph does not apply to labor disputes involving municipal
2 employees who are engaged in law enforcement or fire fighting functions.

3 **SECTION 142.** 111.70 (4) (cm) 2., 3. and 4. of the statutes are amended to read:

4 111.70 (4) (cm) 2. ‘Presentation of initial proposals; open meetings.’ The
5 meetings between parties to a collective bargaining agreement or proposed collective
6 bargaining agreement under this subchapter that involve ~~a collective bargaining~~
7 ~~unit containing a general municipal employee and that~~ are held for the purpose of
8 presenting initial bargaining proposals, along with supporting rationale, ~~shall be~~ are
9 open to the public. Each party shall submit its initial bargaining proposals to the
10 other party in writing. Failure to comply with this subdivision is not cause to
11 invalidate a collective bargaining agreement under this subchapter.

12 3. ‘Mediation.’ The commission or its designee shall function as mediator in
13 labor disputes involving ~~general~~ municipal employees upon request of one or both of
14 the parties, or upon initiation of the commission. The function of the mediator shall
15 be to encourage voluntary settlement by the parties. No mediator has the power of
16 compulsion.

17 4. ‘Grievance arbitration.’ Parties to a dispute pertaining to the meaning or
18 application of the terms of a written collective bargaining agreement ~~involving a~~
19 ~~collective bargaining unit containing a general municipal employee~~ may agree in
20 writing to have the commission or any other appropriate agency serve as arbitrator
21 or may designate any other competent, impartial and disinterested person to so
22 serve.

23 **SECTION 143.** 111.70 (4) (cm) 5. of the statutes is created to read:

24 111.70 (4) (cm) 5. ‘Voluntary impasse resolution procedures.’ In addition to the
25 other impasse resolution procedures provided in this paragraph, a municipal

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1 employer and labor organization may, as a permissive subject of bargaining, agree
2 in writing to a dispute settlement procedure, including authorization for a strike by
3 municipal employees or binding interest arbitration, that is acceptable to the parties
4 for resolving an impasse over terms of any collective bargaining agreement under
5 this subchapter. The parties shall file a copy of the agreement with the commission.
6 If the parties agree to any form of binding interest arbitration, the arbitrator shall
7 give weight to the factors enumerated under subds. 7. and 7g. for a collective
8 bargaining unit consisting of municipal employees who are not school district
9 employees and under subd. 7r. for a collective bargaining unit consisting of municipal
10 employees.

11 **SECTION 144.** 111.70 (4) (cm) 6. of the statutes is created to read:

12 111.70 (4) (cm) 6. 'Interest arbitration.' a. If in any collective bargaining unit
13 a dispute relating to any issue has not been settled after a reasonable period of
14 negotiation and after mediation by the commission under subd. 3. and other
15 settlement procedures, if any, established by the parties have been exhausted, and
16 the parties are deadlocked with respect to any dispute between them over wages,
17 hours, or conditions of employment to be included in a new collective bargaining
18 agreement, either party, or the parties jointly, may petition the commission, in
19 writing, to initiate compulsory, final, and binding arbitration, as provided in this
20 paragraph. At the time the petition is filed, the petitioning party shall submit in
21 writing to the other party and the commission its preliminary final offer containing
22 its latest proposals on all issues in dispute. Within 14 calendar days after the date
23 of that submission, the other party shall submit in writing its preliminary final offer
24 on all disputed issues to the petitioning party and the commission. If a petition is

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1 filed jointly, both parties shall exchange their preliminary final offers in writing and
2 submit copies to the commission at the time the petition is filed.

3 am. Upon receipt of a petition to initiate arbitration, the commission shall
4 investigate, with or without a formal hearing, whether arbitration should be
5 commenced. If in determining whether an impasse exists the commission finds that
6 the procedures under this paragraph have not been complied with and that the
7 compliance would tend to result in a settlement, it may order compliance before
8 ordering arbitration. The validity of any arbitration award or collective bargaining
9 agreement is not affected by failure to comply with the procedures. Prior to the close
10 of the investigation each party shall submit in writing to the commission its single
11 final offer containing its final proposals on all issues in dispute that are subject to
12 interest arbitration under this subdivision. If a party fails to submit a single final
13 offer, the commission shall close the investigation based on the last written position
14 of the party. Such final offers may include only mandatory subjects of bargaining,
15 except that a permissive subject of bargaining may be included by a party if the other
16 party does not object and shall then be treated as a mandatory subject. The parties
17 shall also submit to the commission a written stipulation with respect to all matters
18 that are agreed upon for inclusion in the new or amended collective bargaining
19 agreement. The commission, after receiving a report from its investigator and
20 determining that arbitration should be commenced, shall issue an order requiring
21 arbitration and immediately submit to the parties a list of 7 arbitrators. The parties
22 shall alternately strike names from the list until a single name is left, who shall be
23 appointed as arbitrator. The petitioning party shall notify the commission in writing
24 of the identity of the arbitrator selected. Upon receipt of the notice, the commission
25 shall formally appoint the arbitrator and submit to him or her the final offers of the

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1 parties. The final offers are public documents and the commission shall make them
2 available. In lieu of a single arbitrator and upon request of both parties, the
3 commission shall appoint a tripartite arbitration panel consisting of one member
4 selected by each of the parties and a neutral person designated by the commission
5 who shall serve as a chairperson. An arbitration panel has the same powers and
6 duties as provided in this section for any other appointed arbitrator, and all
7 arbitration decisions by a panel shall be determined by majority vote. In place of
8 selection of the arbitrator by the parties and upon request of both parties, the
9 commission shall establish a procedure for randomly selecting names of arbitrators.
10 Under the procedure, the commission shall submit a list of 7 arbitrators to the
11 parties. Each party shall strike one name from the list. From the remaining 5
12 names, the commission shall randomly appoint an arbitrator. Unless both parties
13 to an arbitration proceeding otherwise agree in writing, every individual whose
14 name is submitted by the commission for appointment as an arbitrator must be a
15 resident of this state at the time of submission and every individual who is
16 designated as an arbitration panel chairperson must be a resident of this state at the
17 time of designation.

18 b. The arbitrator shall, within 10 days of his or her appointment, establish a
19 date and place for the arbitration hearing. Upon petition of at least 5 citizens of the
20 jurisdiction served by the municipal employer, filed within 10 days after the date on
21 which the arbitrator is appointed, the arbitrator shall hold a public hearing in the
22 jurisdiction to provide the opportunity to both parties to explain or present
23 supporting arguments for their positions and to members of the public to offer their
24 comments and suggestions. The final offers of the parties, as transmitted by the
25 commission to the arbitrator, are the basis for any continued negotiations between

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1 the parties with respect to the issues in dispute. At any time prior to the arbitration
2 hearing, either party, with the consent of the other party, may modify its final offer
3 in writing.

4 c. Prior to the arbitration hearing, either party may, within a time limit
5 established by the arbitrator, withdraw its final offer and any mutually agreed upon
6 modifications and shall immediately provide written notice of any withdrawal to the
7 other party, the arbitrator, and the commission. If both parties withdraw their final
8 offers and mutually agreed upon modifications, the labor organization, after giving
9 10 days' written notice to the municipal employer and the commission, may strike.
10 Unless both parties withdraw their final offers and mutually agreed upon
11 modifications, the final offer of neither party is considered withdrawn and the
12 arbitrator shall proceed to resolve the dispute by final and binding arbitration as
13 provided in this paragraph.

14 d. Before issuing his or her arbitration decision, the arbitrator shall, on his or
15 her own motion or at the request of either party, conduct a meeting open to the public
16 to provide to both parties the opportunity to explain or present supporting
17 arguments for their complete offer on all matters to be covered by the proposed
18 agreement. The arbitrator shall adopt without modification the final offer of one of
19 the parties on all disputed issues submitted under subd. 6. am., except those items
20 that the commission determines not to be mandatory subjects of bargaining and
21 those items that have not been treated as mandatory subjects by the parties, and
22 including any prior modifications of the offer mutually agreed upon by the parties
23 under subd. 6. b. The decision is final and binding on both parties and shall be
24 incorporated into a written collective bargaining agreement. The arbitrator shall
25 serve a copy of his or her decision on both parties and the commission.

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1 e. Arbitration proceedings may not be interrupted or terminated by reason of
2 any prohibited practice complaint filed by either party at any time.

3 f. The parties shall equally divide the costs of arbitration. The arbitrator shall
4 submit a statement of his or her costs to both parties and to the commission.

5 g. If a question arises as to whether any proposal made in negotiations by either
6 party is a mandatory, permissive, or prohibited subject of bargaining, the
7 commission shall determine the issue under par. (b). If either party to the dispute
8 petitions the commission for a declaratory ruling under par. (b), the proceedings
9 under subd. 6. c. and d. may not occur until the commission renders a decision in the
10 matter and the decision is final. The arbitrator's award shall be made in accordance
11 with the commission's ruling, subject to automatic amendment by any subsequent
12 court reversal.

13 **SECTION 145.** 111.70 (4) (cm) 7. of the statutes is created to read:

14 111.70 (4) (cm) 7. 'Factor given greatest weight.' In making any decision under
15 the arbitration procedures authorized by this paragraph, except for any decision
16 involving a collective bargaining unit consisting of school district employees, the
17 arbitrator or arbitration panel shall consider and shall give the greatest weight to
18 any state law or directive lawfully issued by a state legislative or administrative
19 officer, body, or agency that limits expenditures that may be made or revenues that
20 may be collected by a municipal employer. The arbitrator or arbitration panel shall
21 give an accounting of the consideration of this factor in the decision.

22 **SECTION 146.** 111.70 (4) (cm) 7g. of the statutes is created to read:

23 111.70 (4) (cm) 7g. 'Factor given greater weight.' In making any decision under
24 the arbitration procedures authorized by this paragraph, except for any decision
25 involving a collective bargaining unit consisting of school district employees, the

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1 arbitrator or arbitration panel shall consider and shall give greater weight to
2 economic conditions in the jurisdiction of the municipal employer than to any of the
3 factors specified in subd. 7r.

4 **SECTION 147.** 111.70 (4) (cm) 7r. of the statutes is created to read:

5 111.70 (4) (cm) 7r. 'Other factors considered.' In making any decision under the
6 arbitration procedures authorized by this paragraph, the arbitrator or arbitration
7 panel shall give weight to the following factors:

- 8 a. The lawful authority of the municipal employer.
- 9 b. Stipulations of the parties.
- 10 c. The interests and welfare of the public and the financial ability of the unit
11 of government to meet the costs of any proposed settlement.
- 12 d. Comparison of wages, hours, and conditions of employment of the municipal
13 employees involved in the arbitration proceedings with the wages, hours, and
14 conditions of employment of other employees performing similar services.
- 15 e. Comparison of the wages, hours, and conditions of employment of the
16 municipal employees involved in the arbitration proceedings with the wages, hours,
17 and conditions of employment of other employees generally in public employment in
18 the same community and in comparable communities.
- 19 f. Comparison of the wages, hours, and conditions of employment of the
20 municipal employees involved in the arbitration proceedings with the wages, hours,
21 and conditions of employment of other employees in private employment in the same
22 community and in comparable communities.
- 23 g. The average consumer prices for goods and services, commonly known as the
24 cost of living.

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1 h. The overall compensation presently received by the municipal employees,
2 including direct wage compensation, vacation, holidays and excused time, insurance
3 and pensions, medical and hospitalization benefits, the continuity and stability of
4 employment, and all other benefits received.

5 i. Changes in any of the foregoing circumstances during the pendency of the
6 arbitration proceedings.

7 j. Factors, not included in subd. 7r. a. to i., which are normally or traditionally
8 taken into consideration in the determination of wages, hours, and conditions of
9 employment through voluntary collective bargaining, mediation, fact-finding,
10 arbitration, or otherwise between the parties, in the public service, or in private
11 employment.

12 **SECTION 148.** 111.70 (4) (cm) 8. of the statutes is created to read:

13 111.70 (4) (cm) 8. ‘Rule making.’ The commission shall adopt rules for the
14 conduct of all arbitration proceedings under subd. 6., including rules for all of the
15 following:

16 a. The appointment of tripartite arbitration panels when requested by the
17 parties.

18 b. The expeditious rendering of arbitration decisions, such as waivers of briefs
19 and transcripts.

20 c. The removal of individuals who have repeatedly failed to issue timely
21 decisions from the commission’s list of qualified arbitrators.

22 d. Proceedings for the enforcement of arbitration decisions.

23 **SECTION 149.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

24 111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for
25 the initial collective bargaining agreement between the parties and except as the

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1 parties otherwise agree, every collective bargaining agreement covering general
2 municipal employees subject to this paragraph shall be for a term of one year and
3 may not be extended 2 years, but in no case may a collective bargaining agreement
4 for any collective bargaining unit consisting of municipal employees subject to this
5 paragraph other than school district employees be for a term exceeding 3 years nor
6 may a collective bargaining agreement for any collective bargaining unit consisting
7 of school district employees subject to this paragraph be for a term exceeding 4 years.
8 No arbitration award may contain a provision for reopening of negotiations during
9 the term of a collective bargaining agreement covering general municipal employees
10 may be reopened for negotiations unless both parties agree to reopen the collective
11 bargaining agreement. The requirement for agreement by both parties does not
12 apply to a provision for reopening of negotiations with respect to any portion of an
13 agreement that is declared invalid by a court or administrative agency or rendered
14 invalid by the enactment of a law or promulgation of a federal regulation.

15 **SECTION 150.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

16 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
17 bargaining unit for the purpose of collective bargaining and shall whenever possible
18 avoid fragmentation by maintaining as few collective bargaining units as practicable
19 in keeping with the size of the total municipal workforce. The commission may
20 decide whether, in a particular case, the municipal employees in the same or several
21 departments, divisions, institutions, crafts, professions, or other occupational
22 groupings constitute a collective bargaining unit. Before making its determination,
23 the commission may provide an opportunity for the municipal employees concerned
24 to determine, by secret ballot, whether they desire to be established as a separate
25 collective bargaining unit. The commission may not decide, however, that any group

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1 of municipal employees constitutes an appropriate collective bargaining unit if the
2 group includes both professional employees and nonprofessional employees, unless
3 a majority of the professional employees vote for inclusion in the unit. The
4 commission may not decide that any group of municipal employees constitutes an
5 appropriate collective bargaining unit if the group includes both school district
6 employees and general municipal employees who are not school district employees.
7 ~~The commission may not decide that any group of municipal employees constitutes~~
8 ~~an appropriate collective bargaining unit if the group includes both public safety~~
9 ~~employees and general municipal employees, if the group include includes both~~
10 ~~transit employees and general municipal employees, or if the group includes both~~
11 ~~transit employees and public safety employees.~~ The commission may not decide that
12 any group of municipal employees constitutes an appropriate collective bargaining
13 unit if the group includes both craft employees and noncraft employees unless a
14 majority of the craft employees vote for inclusion in the unit. The commission shall
15 place the professional employees who are assigned to perform any services at a
16 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit
17 from a unit that includes any other professional employees whenever at least 30%
18 of those professional employees request an election to be held to determine that issue
19 and a majority of the professional employees at the charter school who cast votes in
20 the election decide to be represented in a separate collective bargaining unit.

21 **SECTION 151.** 111.70 (4) (d) 3. a. and c. of the statutes are consolidated,
22 renumbered 111.70 (4) (d) 3. and amended to read:

23 111.70 (4) (d) 3. Whenever, in a particular case, a question arises concerning
24 representation or appropriate unit, calling for a vote, the commission shall certify the
25 results in writing to the municipal employer and the labor organization involved and

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1 to any other interested parties. e. Any ballot used in a representation proceeding
2 under this subdivision shall include the names of all persons having an interest in
3 representing or the results. The ballot should be so designed as to permit a vote
4 against representation by any candidate named on the ballot. The findings of the
5 commission, on which a certification is based, shall be conclusive unless reviewed as
6 provided by s. 111.07 (8).

7 **SECTION 152.** 111.70 (4) (d) 3. b. of the statutes is repealed.

8 **SECTION 153.** 111.70 (4) (L) of the statutes is amended to read:

9 111.70 (4) (L) *Strikes prohibited.* Nothing Except as authorized under par. (cm)
10 5. and 6. c., ~~nothing contained in~~ this subchapter constitutes a grant of ~~grants~~ the ^{does not}
11 right to strike by to any municipal employee or labor organization, and such strikes
12 are hereby expressly prohibited. Paragraph (cm) does not authorize a strike after
13 an injunction has been issued against a strike under sub. (7m).

14 **SECTION 154.** 111.70 (4) (m) of the statutes is created to read:

15 111.70 (4) (m) *Prohibited subjects of bargaining; school district municipal*
16 *employers.* In a school district, the municipal employer is prohibited from bargaining
17 collectively with respect to all of the following:

18 1. Reassignment of municipal employees who perform services for a board of
19 school directors under ch. 119, with or without regard to seniority, as a result of a
20 decision of the board of school directors to contract with an individual or group to
21 operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school
22 to a charter school, or the impact of any such reassignment on the wages, hours, or
23 conditions of employment of the municipal employees who perform those services.

24 2. Reassignment of municipal employees who perform services for a board of
25 school directors, with or without regard to seniority, as a result of the decision of the

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1 board to close or reopen a school under s. 119.18 (23), or the impact of any such
2 reassignment on the wages, hours, or conditions of employment of the municipal
3 employees who perform those services.

4 3. Any decision of a board of school directors to contract with a school or agency
5 to provide educational programs under s. 119.235, or the impact of any such decision
6 on the wages, hours, or conditions of employment of the municipal employees who
7 perform services for the board.

8 4. Solicitation of sealed bids for the provision of group health care benefits for
9 school district employees as provided in s. 120.12 (24).

10 **SECTION 155.** 111.70 (4) (mb) of the statutes is repealed.

11 **SECTION 156.** 111.70 (4) (mbb) of the statutes is repealed.

12 **SECTION 157.** 111.70 (4) (mc) (intro.) of the statutes is renumbered 111.70 (4)
13 (mc) and amended to read:

14 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.* The
15 If the municipal employee is a clerk who is not an employee of a city of the first class,
16 the municipal employer is prohibited from bargaining collectively with a collective
17 bargaining unit containing a public safety employee with respect to any of the
18 following: the judge's authority over the supervisory tasks provided in s. 755.10.

19 **SECTION 158.** 111.70 (4) (mc) 5. and 6. of the statutes are repealed.

20 **SECTION 159.** 111.70 (4) (n) of the statutes is created to read:

21 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
22 to any subject of bargaining on which the municipal employer is required to bargain
23 under sub. (1) (a), the municipal employer is required to bargain collectively with
24 respect to all of the following:

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1 1. Time spent during the school day, separate from pupil contact time, to
2 prepare lessons, labs, or educational materials, to confer or collaborate with other
3 staff, or to complete administrative duties.

4 2. The development of or any changes to a teacher evaluation plan under s.
5 118.225.

6 **SECTION 160.** 111.70 (4) (p) of the statutes is amended to read:

7 111.70 (4) (p) *Permissive subjects of collective bargaining; ~~public safety and~~*
8 ~~transit employees.~~ A municipal employer is not required to bargain with public safety
9 employees or transit employees on subjects reserved to management and direction
10 of the governmental unit except insofar as the manner of exercise of such functions
11 affects the wages, hours, and conditions of employment of the public safety
12 employees or of the transit municipal employees in a collective bargaining unit.

13 **SECTION 161.** 111.70 (7) of the statutes is created to read:

14 111.70 (7) PENALTY FOR STRIKER. (a) Whoever violates sub. (4) (L) after an
15 injunction against a strike has been issued shall be fined \$10. After the injunction
16 has been issued, any employee who is absent from work because of purported illness
17 is presumed to be on strike unless the illness is verified by a written report from a
18 physician to the employer. Each day of continued violation constitutes a separate
19 offense. The court shall order that any fine imposed under this subsection be paid
20 by means of a salary deduction at a rate to be determined by the court.

21 (b) This subsection applies only to municipal employees who are engaged in law
22 enforcement or fire fighting functions.

23 **SECTION 162.** 111.70 (7m) (a) of the statutes is renumbered 111.70 (7m) (ar).

24 **SECTION 163.** 111.70 (7m) (ag) of the statutes is created to read:

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1 111.70 (7m) (ag) *Application*. This subsection does not apply to strikes
2 involving municipal employees who are engaged in law enforcement or fire fighting
3 functions.

4 **SECTION 164.** 111.70 (7m) (b) of the statutes is created to read:

5 111.70 (7m) (b) *Injunction; threat to public health or safety*. At any time after
6 a labor organization gives advance notice of a strike under sub. (4) (cm) that is
7 expressly authorized under sub. (4) (cm), the municipal employer or any citizen
8 directly affected by the strike may petition the circuit court to enjoin the strike. If
9 the court finds that the strike poses an imminent threat to the public health or safety,
10 the court shall, within 48 hours after the receipt of the petition but after notice to the
11 parties and after holding a hearing, issue an order immediately enjoining the strike,
12 and shall order the parties to submit a new final offer on all disputed issues to the
13 commission for final and binding arbitration as provided in sub. (4) (cm). The
14 commission, upon receipt of the final offers of the parties, shall transmit them to the
15 arbitrator or a successor designated by the commission. The arbitrator shall omit
16 preliminary steps and shall commence immediately to arbitrate the dispute.

17 **SECTION 165.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

18 111.70 (7m) (c) 1. a. Any labor organization that ~~represents public safety~~
19 ~~employees or transit employees which~~ violates sub. (4) (L) may not collect any dues
20 under a collective bargaining agreement or under a fair-share agreement from any
21 municipal employee covered by either agreement for a period of one year. At the end
22 of the period of suspension, ~~any such~~ the agreement shall be reinstated unless the
23 labor organization is no longer authorized to represent the ~~public safety employees~~
24 ~~or transit~~ municipal employees covered by the collective bargaining agreement or
25 fair-share agreement or the agreement is no longer in effect.